IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.917 OF 2003

State of Maharashtra ....Appellant.

V/s

1. Hanumant Bhagwat Shinde
and Ors. ....Respondents.

Mr. A.M. Shringarpure, APP for the appellant - State.

Mr. D. Deshmukh for the respondents.

CORAM: V.M. KANADE, J.
DATE : 10th December, 2004

P.C.

1. Heard the learned APP for the State and the learned Counsel appearing on behalf of the respondents.

2. State has filed this appeal against the judgment and order passed by the Judicial Magistrate, First Class, Pimpri, District Pune in R.C.C. No.449 of 2000. By the said Judgment and Order dated 11/2/2003, the Trial Court acquitted the accused of the offence punishable under section 498-A.

3. Prosecution case, in brief, is that one Mrs. Meena Hanumant Shinde lodged a complaint at Chatushringi Police Station. Respondents had driven her out of the house on account of family dispute and also on account of husband suspecting the

complainant's character. Initially, in the year 1997, the accused No.1 had filed a case for divorce against the complainant. Thereafter, parties had arrived at an amicable settlement and the complainant started residing with her husband in her matrimonial house. It was alleged in the complaint that on 6/4/2000, the accused had demanded Rs 50,000/- and on refusal of the complainant to pay the amount, she was asked to leave their house. It was also alleged that the respondents have ill-treated her physically and mentally and harassed her on one ground or the other.

4. The learned APP has annexed the copies of the depositions to the Criminal Appeal. He has taken me through the Judgment and Order of the Trial Court as also oral and documentary evidence on record.

5. Prosecution examined four witnesses. Complainant, apart from stating in her evidence that the accused had harassed her and had demanded Rs 50,000/- from her, also relied on three letters dated 20/1/2000, 8/7/2000 and 7/2/2000. She has stated in her evidence that the accused No.1 suspected her character and had initially filed a petition for divorce which was later on withdrawn and then she resided with the accused No.1 in the matrimonial house. Thereafter, demand for

Rs 50,000/- was made and on refusal to pay the amount, her in-laws started ill-treating her again. She, however, admitted in her cross-examination that from 6/4/2000 to 19/5/2000, she had resided in her parents' house and the complaint which was alleged to have been lodged on 6/4/2000 also is not brought on record. Prosecution also has relied upon the evidence of P.W.2 - father of the complainant. So far as the demand of Rs 50,000/- is concerned, both the complainant and P.W.2 have stated in their evidence that the accused had demanded this amount for purchasing rickshaw. P.W. 2, father of the complainant, however, has admitted that the accused had purchased one auto rickshaw in the year 1996-97 by obtaining a bank loan. Thus except the bare words of the complainant and her father, there is no evidence to show that the said amount was demanded by the accused. Further, from the record and from the statement of the Investigating Officer, it appears that the complainant had filed a complaint in Lok Panchayat which was held in Chatushringi Police Station on 8/4/2000 and the accused also had remained present before the Lok Panchayat. However, efforts made for settlement failed. It appears that, thereafter, the present complaint was lodged on 2/6/2000. So far as the letters which are written by the plaintiffs are

concerned, there is no reference to these letters in the F.I.R. which was lodged by the complainant. Further, she has resided in her parents' house from 6/4/2000 to 19/5/2000. It appears that these letters have been prepared to support her case and the complaint was filed only after settlement talks failed in Lok Panchayat. Thus, in my view, the Trial Court has properly appreciated the evidence on record and has acquitted the accused. I do not see any reason to interfere with the said order. Leave is refused.

Appeal is accordingly dismissed.

V.M. 'KANADE, J.